

to be United States District Judge for the Middle District of Louisiana.

The PRESIDING OFFICER (Mr. BUNNING). The question is, Will the Senate advise and consent to the nomination of James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana?

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—83

| | | |
|------------|------------|-------------|
| Abraham | Durbin | Lugar |
| Akaka | Edwards | McConnell |
| Ashcroft | Feingold | Mikulski |
| Baucus | Feinstein | Moynihan |
| Bayh | Fitzgerald | Murkowski |
| Bennett | Frist | Murray |
| Bingaman | Graham | Reed |
| Bond | Grassley | Reid |
| Boxer | Gregg | Robb |
| Breaux | Hagel | Rockefeller |
| Brownback | Harkin | Roth |
| Bryan | Hatch | Santorum |
| Burns | Hollings | Sarbanes |
| Byrd | Hutchinson | Schumer |
| Campbell | Inouye | Sessions |
| Chafee, L. | Jeffords | Shelby |
| Cleland | Johnson | Smith (OR) |
| Cochran | Kennedy | Snowe |
| Collins | Kerrey | Specter |
| Conrad | Kerry | Stevens |
| Coverdell | Kohl | Thomas |
| Craig | Landrieu | Thurmond |
| Crapo | Lautenberg | Torricelli |
| Daschle | Leahy | Voinovich |
| DeWine | Levin | Warner |
| Dodd | Lieberman | Wellstone |
| Domenici | Lincoln | Wyden |
| Dorgan | Lott | |

NAYS—16

| | | |
|---------|-----------|------------|
| Allard | Helms | Nickles |
| Bunning | Hutchison | Roberts |
| Enzi | Inhofe | Smith (NH) |
| Gorton | Kyl | Thompson |
| Gramm | Mack | |
| Grams | McCain | |

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF MARY A. McLAUGHLIN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. KOHL. Mr. President, I rise in strong support of the nomination of Mary McLaughlin to the U.S. District Court for the Eastern District of Pennsylvania. Those of us on the Judiciary Committee know Ms. McLaughlin from her outstanding work as Special Coun-

sel for our Terrorism Subcommittee during the Ruby Ridge investigation in 1995. During those hearings, Ms. McLaughlin demonstrated precisely the qualities we want in a federal judge—she is intelligent, fair-minded, tough, possesses a judicial temperament, and is deeply committed to the cause of justice. Once we put her on the bench, she is going to be a terrific federal judge.

Our Ruby Ridge subcommittee ran the ideological gamut. Yet Ms. McLaughlin gained the respect and admiration of all of our colleagues from both parties who worked with her—Senators SPECTER, THOMPSON, ABRAHAM, THURMOND, LEAHY, FEINSTEIN, GRASSLEY, and CRAIG—for the skill and professionalism she brought to her work. Let me make special mention of how tough and persistent Ms. McLaughlin was when the Justice Department was “less than enthusiastic” about supplying us with documents. Largely as a result of her efforts, we obtained the information that we needed, and our investigation went on to become a true model of bipartisan cooperation.

Beyond her service to the U.S. Senate, Ms. McLaughlin has stellar credentials for a judgeship. She is a senior partner in the leading Philadelphia law firm of Dechert, Price and Rhoads, where her practice has concentrated in a myriad of complex litigation matters. She was a recipient of a 1998 “Women of Distinction” Award from the Philadelphia Business Journal, the National Association of Women Business Owners, and The Forum of Executive Women. Her career has also included teaching at the law schools of Vanderbilt University, the University of Pennsylvania and Rutgers University. In addition, Ms. McLaughlin served for four years as an Assistant U.S. Attorney for the District of Columbia where, Mr. President, she put criminals behind bars. Not surprisingly, given this stellar record, she was unanimously rated “well qualified” by the American Bar Association.

Unfortunately, a few outside groups have raised questions about her candidacy based on a small portion of Ms. McLaughlin's pro bono work. While it is true that she is a person of strong convictions, none is stronger than her dedication to the Rule of Law. In other words, I am confident that she will in all cases apply the law, not make it.

I wouldn't say that about everybody who has been nominated for a federal judgeship in recent years.

Mr. President, Ms. McLaughlin deserves the type of strong, bipartisan support from the entire Senate that she has already obtained from those of us who worked with her on Ruby Ridge. “There's something about Mary's” record of distinguished public service, her professional experience, her legal talents, and her personal integrity that will make her an outstanding Judge on the Eastern District bench. I urge my colleagues to swiftly confirm her.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 86, nays 14, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—86

| | | |
|------------|------------|-------------|
| Abraham | Feingold | Mack |
| Akaka | Feinstein | McCain |
| Ashcroft | Frist | McConnell |
| Baucus | Gorton | Mikulski |
| Bayh | Graham | Moynihan |
| Bennett | Grassley | Murkowski |
| Biden | Gregg | Murray |
| Bingaman | Hagel | Reed |
| Bond | Harkin | Reid |
| Boxer | Hatch | Robb |
| Breaux | Hollings | Rockefeller |
| Bryan | Hutchinson | Roth |
| Burns | Hutchison | Santorum |
| Byrd | Inouye | Sarbanes |
| Campbell | Jeffords | Schumer |
| Chafee, L. | Johnson | Sessions |
| Cleland | Kennedy | Shelby |
| Cochran | Kerrey | Smith (OR) |
| Collins | Kerry | Snowe |
| Conrad | Kohl | Specter |
| Coverdell | Kyl | Stevens |
| Craig | Landrieu | Thomas |
| Crapo | Lautenberg | Thompson |
| Daschle | Leahy | Thurmond |
| Dodd | Levin | Torricelli |
| Domenici | Lieberman | Warner |
| Dorgan | Lincoln | Wellstone |
| Durbin | Lott | Wyden |
| Edwards | Lugar | |

NAYS—14

| | | |
|-----------|------------|------------|
| Allard | Fitzgerald | Nickles |
| Brownback | Gramm | Roberts |
| Bunning | Grams | Smith (NH) |
| DeWine | Helms | Voinovich |
| Enzi | Inhofe | |

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the nominations enumerated in the order are confirmed en bloc, the motions to reconsider are laid upon the table, the President will be notified of the Senate's actions, and the Senate will return to legislative session.

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Christopher C. Gallagher, of New Hampshire, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amy C. Achor, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003.

THE JUDICIARY

James D. Whittemore, of Florida, to be United States District Judge for the Middle District of Florida.

DEPARTMENT OF THE TREASURY

Jay Johnson, of Wisconsin, to be Director of the Mint for a term of five years.

EXECUTIVE OFFICE OF THE PRESIDENT

Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF STATE

Alan Phillip Larson, of Iowa, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

ASIAN DEVELOPMENT BANK

N. Cinnamon Dornsife, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

DEPARTMENT OF STATE

Earl Anthony Wayne, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Economic and Business Affairs).

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Bobby L. Roberts, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2003.

NATIONAL SCIENCE FOUNDATION

Michael G. Rossmann, of Indiana, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

Daniel Simberloff, of Tennessee, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Leslie Lenkowsky, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2004.

Juanita Sims Doty, of Mississippi, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2004.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Joan R. Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2004.

RAILROAD RETIREMENT BOARD

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2003.

Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2004.

NATIONAL SECURITY EDUCATION BOARD

Herschelle S. Challenor, of Georgia, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF DEFENSE

Douglas A. Dworkin, of Maryland, to be General Counsel of the Department of Defense.

DEPARTMENT OF THE INTERIOR

Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management.

DEPARTMENT OF THE INTERIOR

Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for

American Indians, Department of the Interior.

DEPARTMENT OF LABOR

Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2003.

CORPORATION FOR NATIONAL COMMUNITY SERVICE

Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

THE JUDICIARY

Richard C. Tallman, of Washington, to be United States Circuit Judge for the Ninth Circuit.

Marianne O. Battani, of Michigan, to be United States District judge for the Eastern District of Michigan.

David M. Lawson, of Michigan, to be United States District judge for the Eastern District of Michigan.

John Antoon II, of Florida, to be United States District judge for the Middle District of Florida.

DEPARTMENT OF JUSTICE

Mark Reid Tucker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

John Paul Hammerschmidt, of Arkansas, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of four years.

Norman Y. Mineta, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years.

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2005.

NATIONAL TRANSPORTATION SAFETY BOARD

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003.

Carol Jones Carmody, of Louisiana, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2004.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2005.

OVERSEAS PRIVATE INVESTMENT CORPORATION
Gary A. Barron, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

DEPARTMENT OF STATE

Thomas G. Weston, of Michigan, a Career Member of the Senior Foreign Service, Class

of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Carey Cavanaugh, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Donald Arthur Mahley, of Virginia, a Career Member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Special Negotiator for Chemical and Biological Arms Control Issues.

Gregory G. Govan, of Virginia, for the rank of Ambassador during his tenure of service as Chief U.S. Delegate to the Joint Consultative Group.

DEPARTMENT OF DEFENSE

Bruce Sundlun, of Rhode Island, to be a Member of the National Security Education Board for a term of four years.

Manuel Trinidad Pacheco, of Arizona, to be a Member of the National Security Education Board for a term of four years.

THE JUDICIARY

Phyllis J. Hamilton, of California, to be United States District Judge for the Northern District of California.

Nicholas G. Garaufis, of New York, to be United States District Judge for the Eastern District of New York.

Roger L. Hunt, of Nevada, to be United States District Judge for the District of Nevada.

Kent J. Dawson, of Nevada, to be United States District Judge for the District of Nevada.

DEPARTMENT OF JUSTICE

Audrey G. Fleissig, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Steven S. Reed, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Donald W. Horton, of Maryland, to be United States Marshal for the District of Columbia for the term of four years.

E. Douglas Hamilton, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Jose Antonio Periz, of California, to be United States Marshal for the Central District of California for the term of four years.

Donnie R. Marshall, of Texas, to be Administrator of Drug Enforcement.

DEPARTMENT OF THE TREASURY

Michelle Andrews Smith, of Texas, to be an Assistant Secretary of the Treasury.

THE JUDICIARY

Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Petrese B. Tucker, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

[Nominations placed on the Secretary's Desk]

FOREIGN SERVICE

Foreign Service nominations beginning John Patrice Groarke, and ending James Curtis Struble, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 1999.

Foreign Service nominations beginning Mattie R. Sharpless, and ending Howard R. Wetzel, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 2000.

Foreign Service nominations beginning Nancy M. McKay, and ending Nancy Morgan Serpa, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 2000.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Edwin L. Jones, III, and ending Colleen E. White, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 1999.

Public Health Service nominations beginning Susan J. Blumenthal, and ending William Tool, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 1999.

NOMINATION OF NATHAN HATCH

Mr. BAYH. Mr. President, I rise today to congratulate Dr. Nathan Hatch for receiving the Senate's approval of his nomination to serve as a member of the National Council on the Humanities. Dr. Hatch has dedicated his life to academia. He currently serves as Provost of the University of Notre Dame and is also a Professor of History. As Provost, Dr. Hatch has focused on three areas: the establishment of academic centers of excellence, including the expansion of the Keough Institute for Irish Studies and the enhancement of the Medieval Institute; revitalization of undergraduate education through the creation of the Kaneb Center for Teaching and Learning; and the pursuit of outstanding faculty.

Dr. Hatch is considered to be one of the most influential scholars in the study of the history of religion in America. His book, *The Democratization of American Christianity*, won both the Albert Outler Prize in Ecumenical Church History and the John Hope Franklin Prize for the best book in American Studies; it was also chosen by his peers as one of the two most important books in the study of American religion.

Dr. Hatch is a remarkable asset for the University of Notre Dame and the State of Indiana. His experiences at Notre Dame will make him a valuable addition to the National Council on the Humanities. I applaud the Senate today for confirming this outstanding Hoosier.

NOMINATIONS OF MARIANNE BATTANI AND DAVID LAWSON

Mr. LEVIN. Mr. President, I am pleased that the Senate has confirmed the two nominees for the Federal District Court in the Eastern District of Michigan, Judge Marianne Battani and David Lawson.

Mr. President, Michigan could not be better served. These nominees are well-known in Michigan for their long and distinguished careers, high standards of moral and ethical conduct, and knowledge and commitment to the law. I have every confidence that they will both be outstanding federal judges.

While I am glad that the Senate has finally confirmed these two district

court judges, I am deeply concerned about the vacancies in the Sixth Circuit U.S. Court of Appeals. The length of time that nominees for these positions have remained pending is unfair, both to the nominees, and to the State of Michigan.

There are now three Michigan vacancies on the Sixth Circuit. One of the nominees for these vacancies is Helene White, who was nominated more than three years ago, and is still awaiting a hearing. Kathleen McCree Lewis has been pending at the Committee awaiting a hearing for more than eight months. And the third candidate for a Michigan seat has not yet been nominated but hopefully will be at any time.

These Michigan candidates are intelligent and hardworking advocates of the law, who at a minimum, deserve to have and up or down vote on their nominations. Yet, Circuit Court of Appeals nominees continue to face unconscionable delays in this Senate.

The Senate slowdown has a serious impact on the administration of justice. In a March 20, 2000 letter to Senator HATCH, Judge Gilbert Merritt, Chief Judge of the U.S. Court of Appeals for the Sixth Circuit, notes that these vacancies have hampered the Court's ability to complete the public's business. The Court, in his words, is deteriorating rapidly due to the high number of judicial vacancies.

Judge Merritt writes:

The Sixth Circuit Court of Appeals now has four vacancies. Twenty-five per cent of the seats on the Sixth Circuit are vacant. The Court is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court. One of the vacancies is five years old and no vote has ever been taken. One is two years old. We have lost many years of judge time because of the vacancies.

By the time the next President is inaugurated, there will be six vacancies on the Court of Appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.

Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our Court is rapidly deteriorating due to the fact that 25% of the judgeships are vacant. Each active judge of our Court is now participating in deciding more than 550 cases a year—a case load that is excessive by any standard. In addition, we have almost 200 death penalty cases that will be facing us before the end of next year. I presently have six pending before me right now and many more in the pipeline. Although the death cases are very time consuming (the records often run to 5000 pages), we are under very short deadlines imposed by Congress for acting on these cases. Under present circumstances, we will be unable to meet these deadlines. Unlike the Supreme Court, we have no discretionary jurisdiction and must hear every case.

The Founding Fathers certainly intended that the Senate "advise" as to judicial nomi-

nations, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for each year.

I again urge the Senate Judiciary Committee to promptly hold a confirmation hearing for the Sixth Circuit Court of Appeals nominees from Michigan. They are highly qualified individuals who deserve to be voted on by this Senate.

NOMINATION OF RICHARD TALLMAN

Mr. GORTON. Mr. President, it is my pleasure to support the confirmation today of Richard Tallman to the Ninth Circuit Court of Appeals. In an unusual, if not unprecedented arrangement, particularly at this time and for the controversial Ninth Circuit, the White House, Senator MURRAY, and I have worked together quietly to select and confirm absolutely first rate judges from Washington State. Dick Tallman is no exception.

I had not met Mr. Tallman before he was chosen as a finalist for a district court vacancy by a Judicial Merit Selection Committee jointly appointed by Senator MURRAY and me. He impressed me tremendously at the time and I was privileged to be able later to recommend him to fill a vacancy on the Ninth Circuit Court of Appeals.

Mr. Tallman enjoys broad bi-partisan support within Washington's legal community, including that of the Democratic State Attorney General, two former United States Attorneys for Western Washington, the Federal Public Defender from Western Washington, the President of the Ninth Circuit District Judges Association, and the Federal Bar Association for the Western District of Washington.

Prior to starting his own small firm where he continues to specialize in white collar criminal defense, Mr. Tallman practiced law for many years at one of the largest private firms in Seattle, Bogle & Gates. Before that he served as an Assistant United States Attorney for the Western District of Washington. He has also been sought out by all levels of state government, serving as a Special Assistant City Attorney for Seattle, a Special Deputy Prosecuting Attorney for King County, as well as a Special Assistant Attorney General for Washington State. Over the years, Mr. Tallman has taught and lectured extensively to groups of lawyers and non-lawyers on a range of legal topics, instructing groups including the National Park Service, the Washington Medical Association, and the Seattle Police Academy.

Mr. Tallman's involvement in bar and civic activities is no less impressive than his professional record. In addition to extensive pro bono work, he has served as president of the local federal bar association and as chair of the lawyer delegates to the Ninth Circuit

Judicial Conference. He has been active in committees for local, state, and federal bar associations, in the selection of judges, bench-bar relations, and in helping women and minorities interested in legal careers.

As the accomplishments I have just reviewed attest, Mr. Tallman is an impressive man. What these accomplishments do not convey, however, is the warmth, good humor, and the clear unpretentious intelligence I have observed in my short acquaintance with him. The Ninth Circuit will clearly benefit from our action today.

Mr. LEAHY. Mr. President, one of our most important constitutional responsibilities is to provide advice and consent on the scores of judicial nominations sent to us to fill the vacancies on the federal courts around the country. Today we made some progress. We confirmed 16 new judges. For that I thank the Democratic leader and the majority leader, my counterpart on the Judiciary Committee, Senator HATCH, and all those who worked with us to achieve Senate action on these judicial nominees.

The Senate has finally begun to consider the judges needed to serve the American people in our federal courts. But before any Senator thinks that our work is done for the year, let us take stock: We are only one-third of the way to the number of judges nominated by a Republican President and confirmed by a Democratic majority in 1992, and only half way to the levels of confirmations achieved in 1984 and 1988. Today we finally passed the level of 17 confirmations achieved in 1996, the year before I became the Ranking Democrat on the Judiciary Committee. That low water mark is no measure of success, however.

Today we face more judicial vacancies than when the Senate adjourned in 1994. That means there are more vacancies across the country than when the Republican majority took controlling responsibility for the Senate in January 1995. Over the last six years we have gained no ground in our efforts to fill longstanding judicial vacancies that are plaguing the federal courts.

In addition, recall that this is the first action that the Senate has taken on judicial nominees since March 9, when the Senate ended 4-years of delay and finally voted to confirm Judge Richard Paez to the Ninth Circuit. For more than two months, for more than 10 weeks, the Senate has not acted to confirm a single judge, not one. That stall accounts for the backlog in judicial nominations that results in there being 16 judicial nominations on the Senate calendar today. On the other hand, since March 9, seven additional vacancies have arisen and the Senate has received 17 additional nominations.

There remain 36 judicial nominations pending in the Judiciary Committee, plus new nominations that the President is sending us every week. I have challenged the Senate to regain the pace it met in 1998 when the Com-

mittee held 13 hearing and the Senate confirmed 65 judges. That would still be one less than the number of judges confirmed by a Democratic Senate majority in the last year of the Bush Administration in 1992. Indeed, in the last two years of the Bush Administration, a Democratic Senate majority confirmed 124 judges. It would take an additional 67 confirmations this year for this Senate to equal that total.

Over the last five years the Republican-controlled Senate confirmed the following: 58 federal judges in the 1995 session; 17 in 1996; 36 in 1997; 65 in 1998; and 34 in 1999. By contrast, in one year, 1994, with a Democratic majority in the Senate, we confirmed 101 judges. With commitment and hard work many things are achievable.

Of the confirmations achieved this year, seven were nominations that were reported last year and should have been confirmed last year. That would have made last year's total slightly more respectable. Instead, they were held over and inflate this year's numbers. In addition, Tim Dyk, one of the nominees finally being considered today, was nominated in 1998 and has been held over two years.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984, and again in 1990, Congress responded to requests by the Chief Justice and the Judiciary Conference for needed judicial resources. Indeed, in 1990, a Democratic majority in the Congress created scores of needed new judgeships during a Republican Administration.

Three years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. Last year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. Instead, the only federal judgeships created since 1990 were the nine District Court judgeships authorized in the omnibus appropriations bill at the end of last year.

If Congress had timely considered and passed the Federal Judgeship Act of 1999, S.1145, as it should have, the federal judiciary would have nearly 130 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years and places the vacancy rate for the federal judiciary at 14 percent (128 out of 915). As it is, the vacancy rate is almost 10 percent (65 out of 852) and has remained too high throughout the five years that the Republican majority has controlled the Senate.

Especially troubling is the vacancy rate on the courts of appeals, which continues at over 11 percent (20 out of 179) without the creation of any of the additional judgeships that those courts need to handle their increased workloads.

Most troubling is the circuit emergency that had to be declared more

than seven months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. I recall when the Second Circuit had such an emergency two years ago. Along with the other Senators representing States from the Circuit, I worked hard to fill the five vacancies then plaguing my circuit. The situation in the Fifth Circuit is not one that we should tolerate; it is a situation that I wished we had confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno last year. I still hope that the Senate will consider both this year.

I deeply regret that the Senate adjourned last November and left the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi without the resources that it desperately needs. I look forward to our resolving this difficult situation. I will work with the Majority Leader and the Democratic Leader to resolve that emergency at the earliest possible time.

With 20 vacancies on the Federal appellate courts across the country and nearly half of the total judicial emergency vacancies in the Federal courts system in our appellate courts, our courts of appeals are being denied the resources that they need, and their ability to administer justice for the American people is being hurt. There continue to be multiple vacancies on the Ninth Circuit. Three vacancies is too many and perpetuating these four judicial emergency vacancies, as the Senate has in this one circuit, is irresponsible. We should act on these nominations promptly and provide the Ninth Circuit with the judicial resources it needs and to which it is entitled.

I am likewise concerned that the Fourth, Sixth and District of Columbia Circuits are suffering from multiple vacancies.

I continue to urge the Senate to meet our responsibilities to all nominees, including women and minorities, and look forward to action on the nominations of Judge James Wynn, Jr. to the Fourth Circuit, Enrique Moreno to the Fifth Circuit, Kathleen McCree Lewis to the Sixth Circuit and Judge Johnnie Rawlinson to the Ninth Circuit. Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the federal courts around the country.

Having begun so slowly in the first five months of this year, we have much more to do before the Senate takes its final action on judicial nominees this year. We should be considering 20 to 40 more judges this year. Having begun so slowly, we cannot afford to follow the "Thurmond rule" and stop acting on these nominees at the end of the summer in anticipation of the presidential election. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on

the courts to the detriment of the American people and the administration of justice. I urge all Senators to make the federal administration of justice a top priority for the Senate for the rest of this year.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF STEVE HEMMINGSEN

Mr. DASCHLE. Mr. President, this day marks the retirement of a legend in broadcast journalism in South Dakota. Steve Hemmingsen, who has faithfully delivered news to living rooms in my home state for over twenty-five years, will give his last regular broadcast tonight.

There's an old story about Calvin Coolidge, told shortly after he left the White House. He was filling out a standard form, which asked for standard information. Line 1 asked for his name and address. Line 2 asked for his "Occupation", for which he answered "Retired". Line 3 was titled "Remarks." Mr. Coolidge responded "Glad of it."

I hope that Steve Hemmingsen will share that sentiment: glad to be retired from the rigors of his job—but never fully removed from his audience, the thousands of people who have relied on him for their news for more than two decades.

Steve grew up just across the border in Minnesota, and after graduating from high school, he landed his first job in broadcasting at the "Polka Station of the Nation" in New Ulm. Later, he studied at the Brown Institute and was hired by KELO-TV in 1969. He has been a fixture there and on our nightly news ever since.

It has been estimated that since Steve began working the 6:00 and 10:00 pm news at KELO, he has delivered about eighteen thousand newscasts. He's shouldered the responsibility of helping our state get through some of its most trying times—such as the devastating Rapid City flood in 1972, the tragic plane crash that took the lives of Governor George Mickelson and several of South Dakota's economic development leaders in 1993, the horrible tornado in Spencer two years ago and countless South Dakota blizzards. When South Dakotans have faced adversity, Steve's steady voice and calm demeanor brought us up to speed on

the latest events and talked us through each crisis we encountered.

But Steve has been there through the good times as well. When we celebrated our state's centennial in 1989, Steve reported on the numerous celebrations going on around South Dakota, giving us insight on where our state had been, and where it was going. When Scotland, South Dakota's own Chuck Gemar went into space, Steve helped express the collective sense of pride that was felt throughout the state. You could say that during his career at KELO, Steve's familiar voice was the first that brought news of noteworthy events to the people in South Dakota.

Over the last twenty-five years, Steve Hemmingsen has earned the trust of the people of South Dakota. Although Steve and I haven't always seen eye-to-eye on some issues, I have never had a reason to question his dedication as a broadcaster, his fairness as a reporter or his integrity as a person. In my years in public service, I have had the opportunity to work with hundreds of reporters both in South Dakota and across the nation and there is no doubt in my mind that Steve Hemmingsen is one of the best. Today we congratulate him, but tomorrow he will certainly be missed.

It brings me great pleasure to join all of KELO-Land in wishing Steve the best as he signs off tonight. The evening news will never be the same.

MITCH ROSE TO LEAVE THE HALLS OF CONGRESS

Mr. STEVENS. Mr. President, Mitch Rose, my chief of staff, who before that was my press secretary, will leave the Senate within the next few days.

Mitch has been a great member of our staff, with his understanding of the nuances of legislation, his ability to articulate concerns, and his courage to challenge debate when he believes strongly in an issue. His talents with words, written and spoken, are really legendary.

But no matter how tough the argument, or how serious the discussion, Mitch's sense of humor always helps to keep things in perspective.

It's safe to say that he's not only famous for that sense of humor, but at times, he's infamous.

Born in Alaska, a product of a great family and of Alaska's public schools, Mitch came to Capitol Hill after graduation from the University of Washington, almost 15 years ago.

He first went to work for our friend and former colleague Bob Dole, and later toiled for the other members of our Alaska delegation, DON YOUNG in the House and FRANK MURKOWSKI here in the Senate.

When Mitch joined our staff, he took on the added responsibility of attending law school at night. His wife, Dale Cabaniss, attended a different law school in the evenings, while she worked for Senator MURKOWSKI.

Mitch's work on aviation and telecommunications issues has been par-

ticularly important. As chief of staff, he has kept ahead of the curve on all of our concerns, providing insight and guidance to my staff and me.

The Alaska Humanities Forum has created a program named after Mitch, based on his experience as a youngster, when his parents made sure he knew how life in a rural Alaska village contrasts with life in urban Alaska. The Rose Urban-Rural Alaska Partnership Program will take urban youth to rural villages to promote better understanding of the very different ways of life in our small communities. It will provide the same type of opportunity his parents, Dave and Fran Rose, provided for Mitch when he was a young Anchorage school boy.

Mitch is an example, Mr. President, of the best of his generation. He's worked hard, taken on heavy responsibilities at work and at home, maintained close and good relationships with Alaska and Alaskans, and with those with whom he works.

He and Dale, who is now a Commissioner of the Federal Labor Relations Authority, are the parents of Ben 5, and twins Haley and Shelby, eight months.

There is no question that we will miss Mitch. But there's also no question that he will be a valuable member of the private sector.

My thanks to him for the work he's done, the loyalty he's shown and the friendship he's shared. With so many others who have known him over the years, I wish him well.

JAROSLAV PELIKAN, STERLING PROFESSOR EMERITUS

Mr. STEVENS. Mr. President, as a product of the World War II years, I rushed through my undergraduate education after that war. In the process, my education was of the Yogi Berra variety: If I came to a fork in the road, I took it.

Now, having acquired seniority here, I have privileges I never dreamed would be part of my life, and am more and more aware of what I missed by not spending more time in basic educational endeavors.

For instance, because of my service on the Senate Rules Committee, it is my honor to be chairman of the Joint committee of the Library. This position opened my eyes and ears and filled my mind with joys totally unexpected.

For instance, my increasing visits with Dr. Jim Billington, Librarian of the Library of Congress, a national treasure and our preeminent Russian scholar, have led to meeting more and more of the distinguished academics of our time.

One of these persons is Jaroslav Pelikan, Sterling Professor Emeritus at Yale university and Immediate Past President of the American Academy of Arts and Sciences. Sadly, because of business here in the Senate, I missed Dr. Pelikan's brilliant luncheon address to the Bicentennial of the Library of Congress on April 24 of this